S.B. Criminal Misc. Bail Application No.3740/2006

Date : 18.10.2006

HON'BLE MR.SATYA PRAKASH PATHAK, J.

Mr. Shambhoo Singh for the applicant.
Mr. V.R. Mehta, Public Prosecutor.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that the deceased had gone to the house of the applicant and there he misbehaved with the applicant and for that on 24.05.2006, First Information Report under Section 354 IPC was lodged. He submits that on account misbehaviour with the applicant the villagers assembled and started beating the deceased and thereafter husband of the deceased along with others took the deceased to hospital in Village Paduda and thereafter to the hospital at Udaipur. According to learned counsel, the deceased died on 1st June, 2006 during the treatment and thereafter the FIR has been lodged. He further submits that the applicant is a lady and in the instant case as

many as 7 other accused persons who were arrested in the case for the reason that they were responsible for giving beating to the deceased have been granted bail by the learned trial court, therefore, the bail application of the applicant may also be considered.

On the other hand, learned Public Prosecutor has argued that the witnesses have stated that the deceased was called by the applicant at her house and there incident has taken place.

I have considered the submissions made before me.

Without expressing any opinion on the merit of the case while taking into consideration the overall facts and circumstances of the present case, I deem it just and proper to enlarge the accused applicant on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that applicant Smt. Mangudi Bai W/o Sardar Singh shall be released on bail in FIR

No.87/2006 P.S. Sayara, District Udaipur, provided she executes a personal bond in the sum of Rs.30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for her appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(SATYA PRAKASH PATHAK), J.

vijayant